

IN THE UNITED STATES RECEIVING OFFICE FOR THE PCT

In re the application of:

HURON ET AL

Serial Number: PCT/US03/25358

Group Art Unit: Unknown

Filed: August 13, 2003

Examiner: To be assigned

For: Novel Compositions and Processes for Delivering an Additive

Priority Document: PCT/US2003/025358 filed August 13, 2003; 60/433,677 filed December 16, 2002; and, 60/403,201, filed August 13, 2002

PETITION UNDER 37 CFR §1.47

Assistant Commissioner of Patents
Mail Stop: PCT
Alexandria, VA 22313-1450

February 10, 2005

I. Introduction

Dear Sir:

Applicants are filing this petition under 37 CFR §1.47 for an inventor who refuses to sign. A joint inventor, Mark Pieloch, has refused to execute a declaration for the above referenced application. Please accept the declarations filed as being executed by the two signing inventors and the non-signing inventor. Please charge deposit account 02-2334 for the amount required pursuant to 37 CFR §1.17(h) and any other required fees.

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II. Remarks and Conclusion

A. Statement of Relevant Facts

In August of 2002, William P. Ramey, III, a patent attorney for Akzo Nobel NV, completed drafting a provisional patent application titled Novel Compositions and Processes for Delivering an Additive. Through due diligence and a reasonable inquiry, during the drafting of the application, Mr. Ramey determined that the inventorship consisted of Sebastien Huron, Susan Cady and Mark Pieloch. Mr. Ramey spoke with each inventor about the application being filed, provisional patent application number 60/403,201, filed on August 22, 2002. (See Exhibit A, Declaration of William P. Ramey, III, ¶s 2-5).

At or about the one year anniversary for claiming priority, Applicants attorney filed an application claiming priority to the provisional application number 60/403,201. The application was filed in the US Receiving Office under the Patent Cooperation Treaty (PCT) on August 13, 2003. (See Exhibit A, ¶ 6 and See Exhibit C, Copy of Express Mailing Label). Applicants were able to obtain the signatures of all the inventors except Mr. Pieloch.

Applicants' attorney, William P. Ramey, III, communicated with Mr. Pieloch about signing the declaration. Mr. Pieloch responded that he would need to check with his attorney because he filed an application as well. (See Exhibit A, ¶ 7).

On August 22, 2003, Applicants' attorney sent a certified letter, return receipt requested, to Mr. Pieloch. The letter requested Mr. Pieloch review the patent application accompanying the letter, sign the declaration and return the signed declaration within five days of receipt. (See Exhibit A, ¶ 8 and See Exhibit B, Copy of Letter and Return Receipt). As of September 22, 2003, a signed copy of the declaration has not been received by the Akzo Nobel Patent Department or Applicants' attorney.

Applicants are now required to file this petition.

B. Conclusion

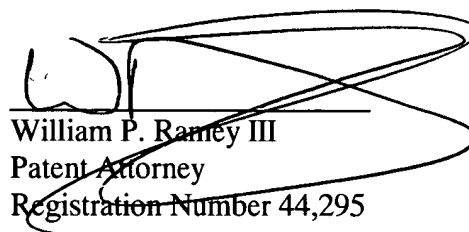
The facts set forth that Mr. Pieloch was notified of the application. Further, the facts set forth that Mr. Pieloch has not signed the declaration. Accordingly, Applicants respectfully

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request that this petition be granted and that the declarations as filed be accepted. Applicants are forwarding a copy of this petition to Mr. Pieloch and will keep Mr. Pieloch informed and notified about the above identified application, through all phases.

Please contact Applicants' attorney, William P. Ramey, III, concerning any questions at phone number (302) 933-4034. Please charge deposit account 02-2334 for any required fees and to credit any credits.

Respectfully submitted,



William P. Ramey III
Patent Attorney
Registration Number 44,295

Attorney Docket No. 2002.022 WO
Akzo Nobel Pharma Patent Department
29160 Intervet Lane
P.O. Box 318
Millsboro, DE 19966
Tel: (302) 933-4034
Fax: (302) 934-4305

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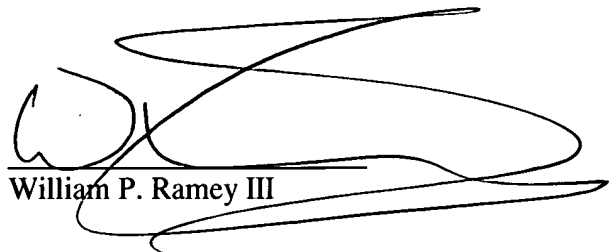
Declaration of William P. Ramey, III

Assistant Commissioner of Patents
Box PCT
Alexandria, VA 22313

1. I hereby declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 17 U.S.C. §1001 and that such willful false statements may jeopardize the validity of the captioned application or any patent issued thereon.
2. I am a patent attorney for Akzo Nobel NV. My office is located in Millsboro, Delaware. My registration number is 44,295.
3. In the summer of 2002, I drafted a patent application titled Novel Compositions and Processes for Delivering an Additive. Through due diligence and a reasonable inquiry, during the drafting of the application, I determined that the inventorship consisted of Sebastien Huron, Susan Cady and Mark Pieloch. I completed a draft of the application for filing in August of 2002 and a decision was made to file a provisional application.

4. I contacted all of the inventors to inform them that an application would be filed.
5. On August 13, 2002, provisional patent application number 60/403,201 was filed.
6. At or about the one year anniversary for claiming priority, I filed an application claiming priority to the provisional application number 60/403,201. The application was filed in the US Receiving Office under the Patent Cooperation Treaty (PCT), on August 13, 2003. I was able to obtain the declarations of all the inventors except Mr. Pieloch.
7. When I spoke with Mr. Pieloch about signing the declaration, Mr. Pieloch responded that he would need to check with his attorney because he filed an application as well.
8. On August 22, 2003, Applicants' attorney sent a certified letter, return receipt requested, to Mr. Pieloch. The letter requested Mr. Pieloch review the patent application accompanying the letter, sign the declaration and return the signed declaration within five days of receipt. As of September 22, 2003, a signed copy of the declaration has not been received by the Akzo Nobel Patent Department or me nor has Mr. Pieloch or his attorney attempted to communicate.

2/7/05
Date


William P. Ramey III

10/524242

DT01 Rec'd PCT/PTO 10 FEB 2005

Exhibit B

10/524242
BT01 Rec'd PCT/PTC 10 FEB 2005

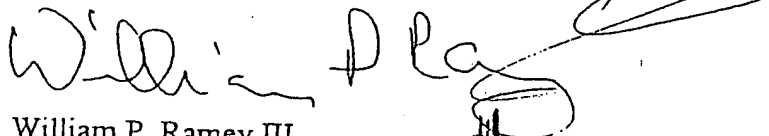
August 22, 2003

Pharma Chemie
Mark J. Pieloch, President
1877 Midland Street
P.O. Box 326
Syracuse, NE 68446-0326

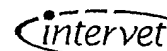
Dear Mark,

As I informed you in our telephone conversations, enclosed is a copy of a declaration attached to the specification and a separate copy of the specification for a patent application covering the soft chew technology. Please review the specification and sign the declaration, express mailing it back to my office at the address below within five days of receiving this letter. Should you have any questions, please feel free to contact me at 302 933 4034.

Sincerely,



William P. Ramey III

 Intervet

Intervet Inc.
405 State Street
P.O. Box 318
Millsboro, DE 19966-0318
Tel. (302) 934-8051
FAX (302) 934-6087

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Maril J. Pieloch, President
1877 Midway Street
PO Box 324
Syracuse, NY 13204-0324

2. Article Number (Copy from service label)
7000 1530 0001 60184130
PS Form 3811, July 1999

ARZO NOBEL

10/524242
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...application covering the soft chew technology. Please review the specification and sign the declaration, express mailing it back to my office at the address below within five days of receiving this letter. Should you have any questions, please feel free to contact me at 302 933 4034.

Sincerely,

William P. Ramey III
William P. Ramey III

Intervet

Intervet Inc.
405 State Street
P.O. Box 318
Millsboro, DE 19966-0318
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Exhibit C

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